

RECEIVED

JUL 23 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission

WASHINGTON, D. C. 20554

ORIGINAL
FILE

In re Applications of)
CRYSTAL CLEAR COMMUNICATIONS, INC.)
THE RADIO MINISTRIES BOARD OF)
VICTORY CHRISTIAN CENTER)
ASSEMBLY OF GOD, INC.)
For a Construction Permit for)
a New FM Station on Channel 240A)
Seelyville, Indiana)
To: The Review Board

MM Docket No. 92-62
File No. BPH-901214MA
File No. BPH-901217MJ

SUPPLEMENT TO OPPOSITION TO APPEAL

The Radio Ministries Board of Victory Christian Center Assembly of God, Inc. ("Radio Board"), by counsel, hereby supplements its "Opposition to Appeal" filed July 15, 1992, to include the attached Summary Decision of Administrative Law Judge John M. Frysiak, FCC 92D-50 (released July 22, 1992). As reflected therein, through that summary decision, the presiding judge cancelled the hearing scheduled for August 26, 1992, granted Radio Board's application, and terminated the proceeding.

Respectfully submitted,

THE RADIO MINISTRIES BOARD
OF VICTORY CHRISTIAN CENTER
ASSEMBLY OF GOD, INC.

By


HARRY C. MARTIN

By


CHERYL A. KENNY
Its Counsel

Reddy, Begley & Martin
1001 22nd Street, N.W., Suite 350
Washington, D.C. 20037

June 23, 1992

No. of Copies rec'd 0+11
List A B C D E

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 92-62

In re Applications of

THE RADIO MINISTRIES File No. BPH-901217MJ
BOARD OF VICTORY
CHRISTIAN CENTER
ASSEMBLY OF GOD, INC.

For Construction Permit for a
New FM Station on Channel 240A
in Seelyville, Indiana

Appearances

Harry C. Martin, Esq. and Cheryl A. Kenny, Esq. on
behalf of The Radio Ministries Board of Victory Christian
Center Assembly of God, Inc. and Robert Zauner, Esq. on
behalf of the Mass Media Bureau, Federal Communica-
tions Commission.

**SUMMARY DECISION OF ADMINISTRATIVE
LAW JUDGE JOHN M. FRYSIK**

Issued: July 15, 1992;

Released: July 22, 1992

1. The *Hearing Designation Order* ("HDO"), 7 FCC Rcd 2299 (1992), released April 13, 1992, specified an air hazard issue against The Radio Ministries Board of Victory Christian Center Assembly of God, Inc. ("Radio Board"), one of two mutually-exclusive applications for a new FM station. By *Memorandum Opinion and Order*, FCC 92M-657, released June 11, 1992, the application of Crystal Clear Communications, Inc. was dismissed with prejudice. On May 29, 1992, Radio Board amended its application to specify a new antenna site and a directional antenna to eliminate short spacing to an existing FM Station at Effingham, Illinois. The Mass Media Bureau filed comments in support of Radio Board's Petition on June 17, 1992. By *Memorandum Opinion and Order*, FCC 92M-699, released June 23, 1992, the amendment was accepted.

2. On June 25, 1992, Radio Board filed a motion for summary decision seeking resolution of the pending air hazard issue in this proceeding. Since Radio Board has specified a transmitter site which has received FAA clearance, there is no longer any genuine issue of material fact under the air hazard issue to be decided at hearing. With the resolution of the air hazard issue there is no impediment to the grant of Radio Board's application.

Accordingly, IT IS ORDERED that the Motion for Summary Decision, filed June 25, 1992, by Radio Board IS GRANTED, and the air hazard issue IS RESOLVED in its favor.

IT IS FURTHER ORDERED, that, unless an appeal from this Summary Decision is taken to the Commission or the Commission reviews this Summary Decision on its own motion in accordance with Section 1.276 of the Rules, the application of The Radio Ministries Board of Victory Christian Center Assembly of God, Inc. to construct and operate a new FM Station on Channel 240A in Seelyville, Indiana IS GRANTED and this proceeding IS TERMINATED.^{1 2}

FEDERAL COMMUNICATIONS COMMISSION

John M. Frysiak
Administrative Law Judge

FOOTNOTES

¹ In the event exceptions are not filed within 30 days after the release of this Summary Decision and the Commission does not review the case on its own motion, this Summary Decision shall become effective 50 days after its public release pursuant to Rule 1.276(d).

² In view of the foregoing, the hearing scheduled for August 26, 1992 IS CANCELLED.

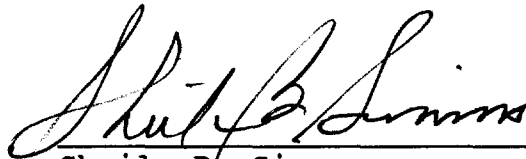
CERTIFICATE OF SERVICE

I, Sheila B. Simms, hereby certify that on this 23rd day of July, 1992, copies of the foregoing **SUPPLEMENT TO OPPOSITION TO APPEAL** were hand delivered to the following:

Chairman Joseph A. Marino
Review Board
Federal Communications Commission
2000 L Street, N.W., #211
Washington, D.C. 20554

Robert Zauner, Esq.
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 7212
Washington, D.C. 20554

Donald J. Evans, Esquire
Marianne H. Lepera, Esquire
McFadden, Evans & Sill
1627 Eye Street, N.W.
Suite 810
Washington, D.C. 20006
Counsel for Crystal Clear
Communications, Inc.



Sheila B. Simms